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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

15 VAN PHILLIPS,

CASE NO.: C073305 SI
Judge: Hon. Susan Illston

16 Plaintiff.

**STIPULATION TO CONTINUE CASE
MANAGEMENT CONFERENCE AND ORDER
THEREON**

18 JOHN DIAMOND, DIAMOND PHILLIPS,
19 INCORPORATED an Illinois Corporation, AND
DOES 1 THROUGH 50 INCLUSIVE.

Defendants.

22 AND RELATED CROSS ACTIONS

IT IS HEREBY STIPULATED between the parties that the next Case Management Conference scheduled to be held on February 22, 2008 at 2:30 p.m. shall be continued to March 14, 2008 at 2:30 p.m. in Courtroom 10 of the San Francisco Division of the United States District Court-Northern District.

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**STIPULATION TO CONTINUE CMC AND ORDER THEREON
CASE NO. C073305 SI**

1 Both the out-of-state Defendants and Plaintiff in California had difficulty in arranging
2 a date for mediation and, with the mediator's busy schedule, the only date mutually satisfactory
3 was February 22, 2008, the date of the previously scheduled Case Management Conference. As
4 such, the parties scheduled an 8 hour mediation session on February 22 with the Hon. Richard M.
5 Silver through JAMS in San Francisco. Given the complexity of issues in dispute, it is unlikely
6 that the mediation will end early, and thus attending the case management conference will not be
7 possible.

8 The parties hereby stipulate to continue the Case Management Conference in order to
9 mediate this matter prior to further appearance before this Court.

10 It is so stipulated.

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12 Dated: January 25, 2008

JOHN W. HOWARD ATTORNEYS, LTD.

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By: Michelle Volk
John W. Howard
Michelle D. Volk

Attorneys for Plaintiff Van Phillips

CARROLL, BURDICK & McDONOUGH LLP

By: JH Belote
Jeffrey H. Belote
Attorney for John Diamond and Diamond
Phillips, Incorporated

ORDER

Good cause appearing, the Case Management Conference in this matter is hereby continued to March 14, 2008 at 2:30 p.m. in Courtroom 10 on the 19th floor of this Court.

IT IS SO ORDERED.

Dated: January ___, 2008

Hon. Susan Illston
U.S. District Judge